IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7348 of 2016

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Sunil Soren Son of Late Bishwanath Soren, Resident of Village- Domanadih, P.S.- Baunsi, District- Banka.

... ... Petitioner/s

Versus

1. The UCO Bank through its General Manager, Personnel Services, UCO Bank, 3 and 4 DD Block Sector-1, Salt Lake, Kolkata- 7 00064
2. The General Manager, Personnel Services, UCO Bank, 3 and 4 DD Block Sector-1, Salt Lake, Kolkata- 7 00064
3. The Assistant General Manager, Personnel Service Department, UCO Bank, 3 and 4 DD Block sector-1, Salt Lake, Kolkata- 7 00064
4. The Deputy General Manager, Personnel Service Department, UCO Bank, 3 and 4 DD Block sector-1, Salt Lake, Kolkata- 7 00064
5. The Chief Officer Discipline, Personnel Service Department, UCO Bank, 3 and 4 DD Block sector-1, Salt Lake, Kolkata- 7 00064
6. The General Manager cum Appellate Authority, Circle Office, UCO Bank, Mauryalok Complex, Patna- 800001
7. The Assistant General Manager cum Disciplinary Authority, Zonal Office, UCO Bank S.K. Tarafdar Road, Adampur Chowk, Bhagalpur
8. The Branch Manager, UCO Bank branch at Banka.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. Advocate Mr. Bajarangi Lal, Advocate
For the Respondent/s	:	Ms. Sheela Sharma, Advocate Mr. Shivendra Kumar Roy, Advocate Ms. Smriti Kumari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

CAV JUDGMENT

Date : 12-09-2025

Heard Mr. D.K. Sinha, learned Senior Counsel for the petitioner, assisted by Mr. Bajarangi Lal, learned counsel, and Ms. Sheela Sharma, learned counsel for the respondent–UCO Bank (hereinafter referred to as "the Bank"), assisted by Mr.

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Shivendra Kumar Roy and Ms. Smriti Kumari Singh, learned counsel.

2. The present writ petition has been filed seeking quashing of letter no. 37 dated 07.09.2015 issued by the AGM-cum-Disciplinary Authority, Zonal Office, Bhagalpur, as well as the appellate order dated 17.03.2025 passed by the General Manager (Personnel Services)-cum-Appellate Authority, UCO Bank (Annexure-P/15 to Interlocutory Application No. 01/2025). The petitioner has further prayed for a direction to grant him full retirement benefits along with arrears of salary for the entire period during which he remained under suspension.

3. Learned Sr. Counsel for the petitioner submits that the brief facts are that while the petitioner was serving on a Class-IV post as Peon-cum-Daftari at Baunsi Branch of Banka, he was placed under suspension by order dated 07.06.2006 (Annexure-1). Subsequently, the petitioner was served with articles of charge vide charge-sheet dated 10.02.2007 alleging gross misconduct during his tenure as Substaff at Baunsi Branch from 24.05.2002 to 29.11.2004 by engaging in conspiracy and fraudulent activities for the monetary benefit of his family members. He was called upon to submit his written statement of defence within two weeks (Annexure-2). In response, the

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petitioner filed a reply on 01.03.2007 (Annexure-3), denying the allegations of unauthorized withdrawal, use of withdrawal slips in his handwriting or in that of his daughter, Rina Kumari, and the charge of fraud.

4. Learned Senior Counsel further submits that the so-called confession of the petitioner was extracted under coercion by the Hindi Officer at the Regional Office, but the disciplinary authority ignored this explanation and appointed an enquiry officer. This report was communicated on 31.10.2007 (Annexure-4), and the petitioner was asked to submit a second show-cause reply. The petitioner responded, pointing out that the Bank had failed to prove the charges. However, without considering the available material, the points raised in the petitioner's reply, or applying judicial mind, the disciplinary authority mechanically passed the order dated 31.03.2008 (Annexure-6) under Clause 19.6 of the 1st Bipartite Settlement, holding the petitioner guilty of three out of five charges, affirming the enquiry report, and imposing the penalty of compulsory retirement. It was further directed that the period of suspension would not be treated as duty, and no financial or non-financial benefits would accrue other than the subsistence allowance already paid. The petitioner's appeal against this

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order was dismissed by the appellate authority vide letter no. 2236 dated 31.07.2008 (Annexure-8).

5. The petitioner then filed CWJC No. 18568 of 2008 before this Court challenging the punishment and appellate orders. The writ was allowed on 03.02.2014 (Annexure-9) with a direction to reinstate the petitioner forthwith and to pass a fresh order after considering his defence. Pursuant to this, the petitioner was reinstated w.e.f. 03.02.2014 by letter dated 31.03.2014 (Annexure-10) but was again placed under suspension by letter no. 359 dated 31.03.2014 (Annexure-11). Though given a personal hearing, his defence was again disregarded, and he was once more held guilty and awarded the penalty of compulsory retirement with immediate effect. His appeal dated 05.10.2015 remained pending, prompting him to file the present writ petition (CWJC No. 7348 of 2016). During its pendency, the petitioner superannuated on 31.01.2023.

6. Learned Sr. Counsel for the petitioner further submits that this Court, vide order dated 18.02.2025, directed the respondent - Bank to dispose of the petitioner's appeal within 30 days. In compliance, the respondent - Bank passed the order dated 17.03.2025 affirming the punishment on the ground that the petitioner failed to produce substantial evidence to

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overturn the findings of the enquiry officer or the disciplinary authority. The petitioner has challenged this appellate order through Interlocutory Application No. 01 of 2025.

7. Learned Senior Counsel for the petitioner further submits that the enquiry report, the orders passed by the disciplinary authority and the appellate authority reflect a complete non-application of mind, as none of them considered the petitioner's defence in the departmental proceeding at any stage. Referring to the enquiry report, it is submitted that it contains no reasoning for holding the charges proved. It is further submitted that the petitioner's detailed comments on the report, his explanation as to why the charges were unsustainable, were completely ignored. The order passed by the disciplinary authority is only a rephrased version of the earlier punishment order, without addressing the petitioner's points of defense.

8. Learned Sr. Counsel for the petitioner further submits that the finding of fraudulent transactions is baseless, being founded solely on a letter of one Hira Das, an outsourced employee of Baunsi Branch who himself committed fraud and was removed from service. Despite repeated requests, he was neither produced as a witness nor his statement was recorded in

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the disciplinary proceedings. In the absence of the alleged writer’s testimony, the entire proceeding stands vitiated. It is further submitted that no expert opinion was obtained to substantiate the allegation of impersonation. The appellate authority also failed to appreciate that the disciplinary authority had given no reasons for not treating the suspension period as duty, particularly when no specific charge was framed on this aspect. According to him no opportunity to defend was given to the petitioner. Consequently, this part of the punishment is wholly unwarranted and fit to be set aside.

9. On the other hand, learned counsel for the respondent-Bank submits that the punishment was imposed upon the petitioner vide order dated 31.03.2008 passed by the Assistant General Manager (Disciplinary Authority), UCO Bank, Bhagalpur, directing his compulsory retirement by way of punishment. The petitioner preferred an appeal before the General Manager, Personnel Services (Appellate Authority), which was rejected vide order dated 28.07.2008, thereby affirming the order of compulsory retirement. Thereafter, the petitioner approached this Hon’ble Court in CWJC No. 18568 of 2008, wherein, vide order dated 03.02.2014, this Hon’ble Court was pleased to quash the order dated 31.03.2008 passed

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by the Disciplinary Authority as well as the order dated 28.07.2008 passed by the Appellate Authority, with a direction to the Disciplinary Authority to pass a fresh order after considering the petitioner’s defence as available on record in the disciplinary proceedings and also the grounds taken by him in his comments on the Enquiry Officer’s report. Learned counsel further submits that pursuant to the aforesaid order of this Hon’ble Court, the Disciplinary Authority passed a fresh order dated 07.09.2015, and thereafter the Appellate Authority passed the order dated 17.03.2025. These two orders are under challenge in the present writ petition. Learned counsel further submits that both the orders dated 07.09.2015 and 17.03.2025 have been passed strictly in accordance with law. He further submits that the petitioner’s service conditions are governed by the Settlement of Industrial Disputes dated 19.10.1966, entered into before the Chief Labour Commissioner (C), New Delhi, in the industrial dispute between the Managements of the Banks represented by the Indian Banks’ Association, Bombay and the Bombay Exchange Bank’s Association, Bombay, and their workmen represented by the All India Bank Employees’ Association and All India Bank Employees’ Federation, covering various issues including terms and conditions of

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service of bank employees. It is further submitted that Chapter XIX of the said Settlement specifically deals with disciplinary action and the procedure thereof.

10. Learned counsel for the respondent-Bank further submits that Clause 19.6 of the **1st Bipertite** Settlement clearly indicates that an employee found guilty of gross misconduct may be dismissed without notice. Clause 19.6 reads as under :-

> *"19.6 An employee found guilty of gross misconduct may:*
> *(a) be dismissed without notice; or*
> *(b) be warned or censured, or have an adverse remark entered against him; or*
> *(c) be fined; or*
> *(d) have his increment stopped; or*
> *(e) have his misconduct condoned and be merely discharged."*

11. Learned counsel for the respondent-Bank further submits that under Clause 19.12(e)(iii), no enquiry is required if the employee voluntarily admits his guilt in his reply to the show cause notice. He submits that in the present case, the initial orders passed by the Disciplinary Authority and the Appellate Authority were set aside by this Hon'ble Court, with a direction to reinstate the petitioner forthwith and to pass a fresh order after due consideration. In compliance thereof, the Disciplinary Authority passed a fresh order dated 07.09.2015, which was thereafter challenged before the Appellate Authority.

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However, the appellate order came to be passed only in the year 2025 pursuant to specific directions of this Hon'ble Court. Learned counsel further submits that the only question for consideration in the present writ petition is whether the directions issued by this Hon'ble Court vide order dated 03.02.2014 in CWJC No. 18568 of 2008 have been duly complied with or not. He submits that the order dated 07.09.2015 is a well-reasoned order, wherein the Disciplinary Authority considered each charge individually, assigned reasons, and recorded findings as to whether the charges were proved or not. Out of five charges, Charges No. 1, 2, and 5 were found proved, while Charges No. 3 and 4 were not proved. Thereafter, in terms of Clause 19.6 of the First Bipertite Settlement dated 19.10.1966, the punishment of compulsory retirement with superannuation benefits was imposed upon the petitioner with immediate effect. He further submits that the appellate order dated 17.03.2025 is also a well-reasoned and speaking order, wherein each ground raised in the appeal has been duly considered, and the punishment imposed by the Disciplinary Authority vide order dated 07.09.2015 has been affirmed. In support of his argument, learned counsel for the respondent-Bank relied upon a judgement rendered in the case

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of ***Airports Authority of India Vs. Pradip Kumar Banerjee* reported in *(2025) 4 SCC 111*.**

12. Learned counsel for the respondent–Bank further submits that a Public Sector Bank is the custodian of public money, and the honesty and integrity of its officers and staff in handling such funds are indispensable for maintaining customer trust and the credibility of the banking system. But the petitioner, while serving as Substaff in the concerned branch, committed gross misconduct and, in fact, admitted his guilt in his communication dated 05.06.2006 addressed to the disciplinary authority, which has been placed on record as Annexure-R/3 to the counter affidavit. It is contended that the Bank followed a fair procedure by examining witnesses in support of the charges and providing the petitioner sufficient opportunity for cross-examination. The enquiry officer recorded his findings on the basis of the evidence available on record, and the disciplinary authority, before concurring with those findings, independently examined the materials and arrived at its own conclusion. Learned counsel further submits that the proven allegations against the petitioner ‘fraudulently withdrawing funds from the account of a deceased customer and using the proceeds to create a Fixed Deposit in favour of his daughter’

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were grave in nature and warranted a major penalty, namely compulsory retirement, which was duly imposed by the Disciplinary Authority and upheld by the Appellate Authority in its order dated 17.03.2025. Hence, there is no legal infirmity in the orders passed by either the Disciplinary Authority or the Appellate Authority.

13. After hearing the arguments advanced and upon perusal of the documents available on record, it transpires to this Court that the petitioner has been charged with conspiracy and commission of fraudulent activities for monetary gain for himself and his family members and in his written statement dated 05.06.2006, the petitioner admitted his guilt and assured to deposit the fraudulently misappropriated amount of ₹1,35,000/- within five days. However, despite such admission and assurance, the said amount was not deposited. Consequently, the allegation of wilful damage or attempt to cause damage to the property of the Bank or any of its customers constituting gross misconduct under Clause 5(J) of the Bipartite Settlement dated 19.10.1966, as amended on 10.04.2002 was levelled against the petitioner.

14. It further transpires that the earlier disciplinary order dated 31.03.2008 was passed by the Assistant General

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Manager (Disciplinary Authority), UCO Bank, Bhagalpur, whereby the petitioner was compulsorily retired by way of punishment. The said order was challenged before the Appellate Authority, and the General Manager, Personnel Services (Appellate Authority), vide order dated 28.07.2008, rejected the appeal and affirmed the order of compulsory retirement. The petitioner thereafter challenged both orders dated 31.03.2008 and 28.07.2008 before this Hon'ble Court in CWJC No. 18568 of 2008, wherein vide order dated 03.02.2014, both orders were set aside with specific directions to the Disciplinary Authority to pass a fresh order. The relevant paragraphs 14 to 17 of the said judgment reads as under:

> *14. I am of the view that such lapse on the part of the disciplinary authority not discussing the defence of the delinquent while passing the order amounts to violation of principles of natural justice.*
>
> *15. The order of the disciplinary authority impugned in the writ application does not reflect application of mind on the comments of the delinquent i.e. petitioner on the report of the enquiry officer. The impugned order of the disciplinary authority dated 31.03.2008 (Annexure-6) therefore cannot be sustained and is accordingly quashed. It is also well settled that if the order of the disciplinary authority is unsustainable on the ground of lack of reasons, the order of the appellate authority cannot fill up the lacunae.*
>
> *16. I accordingly quash the impugned*

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order dated 31.03.2008 passed by the disciplinary authority dated 28.07.2008 with a direction to the disciplinary authority to pass an order afresh in this regard after taking into account the defence of the petitioner as available on record of the disciplinary proceeding as well as the grounds taken by him in his comments upon the report of the enquiry officer.

17. The respondents are directed to reinstate the petitioner forthwith. The petitioner's claim for back wages will be dependent upon the final order to be passed by the disciplinary authority pursuant to the order of this Court.

15. After allowing the earlier writ petition, the petitioner's services were reinstated with effect from 03.02.2014 vide Letter No. 358 dated 31.03.2014. On the same day, vide Letter No. 359 dated 31.03.2014, the petitioner was placed under suspension with immediate effect. Thereafter, a personal hearing was provided to the petitioner on 14.06.2014 and again on 24.02.2015. Upon conclusion of the proceedings, the petitioner was once again held guilty of the charges, and the punishment of compulsory retirement with immediate effect, along with superannuation benefits such as pension, provident fund and gratuity as admissible, but without disqualification from future employment, was imposed. The said order was passed on 07.09.2015. Against the same, the petitioner preferred an appeal before the Appellate Authority; however, no order was

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passed thereon. Aggrieved thereby, the petitioner approached this Hon'ble Court.

16. In the present writ petition, which remained pending before this Court since 2016, this Court, vide order dated 18.02.2025, directed the Appellate Authority to dispose of the petitioner's appeal within 30 days. In compliance with the said order, the Appellate Authority passed an order dated 17.03.2025 affirming the punishment imposed by the Disciplinary Authority on 07.09.2015. The petitioner thereafter challenged the said appellate order by filing Interlocutory Application No. 01 of 2025, which was allowed vide order dated 08.04.2025.

17. It further transpires to this Court that the disciplinary proceedings are governed by the Bipartite Settlement, and Clause 5(J) thereof, as amended on 10.04.2002, specifically provides that willful damage or attempt to cause damage to the property of the Bank or any of its customers constitutes gross misconduct. In the present case, five charges were levelled against the petitioner. The Disciplinary Authority held that Charges No. 1, 2 and 5 were proved, while Charges No. 3 and 4 were not proved. On the basis of the proved charges, the petitioner was held guilty and the punishment of

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compulsory retirement with superannuation benefits was imposed.

18. This Court also notes that in the earlier round of litigation, the orders of the Disciplinary Authority dated 31.03.2008 and of the Appellate Authority dated 28.07.2008 had been set aside with specific directions to the Disciplinary Authority to pass a fresh order after considering the defence of the petitioner as available on record, as well as the grounds raised in his comments upon the report of the Enquiry Officer.

19. Upon perusal of the order dated 07.09.2015 passed by the Disciplinary Authority, it is evident that all points raised by the petitioner in his defence and in his comments to the Enquiry Report were duly considered, and a reasoned conclusion was recorded. Similarly, the Appellate Authority, in its order dated 17.03.2025, also considered those points. Further, Clause 19.12(e)(iii) of Chapter XIX of the Bipartite Settlement provides that no enquiry is necessary if the employee makes a voluntary admission of guilt in his reply to the show-cause notice. In the present case, the petitioner, in his written statement, made a confession, which cannot be ignored.

20. In light of the aforesaid, and taking note of the principles laid down in ***Airports Authority of India v. Pradip***

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Kumar Banerjee (supra), this Court finds that the order dated 07.09.2015 passed by the Assistant General Manager-cum-Disciplinary Authority, Zonal Office, Bhagalpur, as well as the appellate order dated 17.03.2025 passed by the General Manager (Personnel Services)-cum-Appellate Authority, UCO Bank (Annexure-P/15 to Interlocutory Application No. 01/2025), are well reasoned and in accordance with law.

21. Accordingly, this Court does not find any ground for interference. The present writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	05.08.2025
Uploading Date	15/09/2025
Transmission Date	NA

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